THE CASE OF St. ANN'S Guild.

KING *Henry* the Sixth by His Letters Patents, in the Ninth year of His Reign, did give Power and Licenſe to *Richard* then Lord Arch-Biſhop of *Dublin*, and others, to Erect a Chappel in the Church of St. *Audoen*'s in *Dublin*, to be called St. *Anns* Chappel, and to Ordain and Conſtitute a Fraternity and Guild, or Lay Corporation, in perpetual Succeſſion, to Sue and be Sued by the Name of the Maſter and Wardens of the Fraternity and Guild of St. *Anne*, in the Church of St. *Audoen's* in *Dublin*; and gave Power to chooſe yearly, One Maſter and Two Wardens of themſelves, to have the Government of the ſaid Guild, and have the Goods, Cuſtody of the Lands and Goods, *&c.* that ſhould be Granted to the ſaid Fraternity, and to Manage the Affairs thereof, and to make lawful Ordinances touching the ſame; and from time to time to receive ſuch into, and put ſuch out of the ſaid Fraternity, as they and their Succeſſors ſhould think fit; and to have a common Seal for the Uſe of the ſaid Guild, and to Eſtabliſh a Chantry in the ſaid Church, of Six Prieſts to Celebrate Divine Service therein for the good Eſtate of the King, the Founders, and the Fraternity as long as they lived, and for the Souls of them, and the Faithful departed; and to procure a Purchaſe to them and their Succeſſors in Fee-Simple, Lands and Tenements of the yearly value of One hundred Marks, to Support the ſaid Church, and for other Pious uſes, *non obſtante* the Statute of *Mortmain*.

And the ſame King by His Patent of Licenſe, Reciting the ſaid former Patent, gave Licenſe to one *Alexander Hunt*, Chaplain, to convey to *John Bunell*, then Maſter, and to the Wardens and Fraternity of the ſaid Guild, and their Succeſſors, ſeveral Meſſuages and Tenements then Held in Fee from the City of *Dublin*, by yearly Services, amounting to the yearly value of Eight Marks, in part of the ſaid One hundred Marks, *non obſtante* the ſaid Statute; which Conveyance was made accordingly.

That the ſaid Chappel and Chantry were Erected, and the ſaid Fraternity and Guild, or Corporation Eſtabliſhed, and the ſaid Fraternity and Guild have ever ſince continued by due Election of Maſter and Wardens thereof yearly, according to the ſaid Patent.

That in the Thirty ſixth year of Queen *Elizabeth*, an Inquiſition iſſued to know how much Lands or Tenements, and to what yearly value the ſaid Guild had acquired, and found they had acquired no more then to the yearly value of Thirty five pounds, Five ſhillings and Four pence; that afterwards the ſaid Guild acquired ſome other Tenements, but ſtill under the yearly value of One hundred Marks.

That about the year 1620, moſt of what ſo belonged to the ſaid Guild being Leaſed for years, and ſome of them being waſt; for the Encouragement of Improvements thereon, Fee-Farms were made thereof to the ſeveral Tenants, at Improved yearly Rents, who laid out in Building and Improveing thereon, very great Sums of Money.

That all along hitherto, the ſaid Guild have by them, and thoſe deriving under them, been in Poſſeſſion of the Premiſſes, and have received ſuch Rents as have been paid thereout, and diſpoſed of the ſame Rents to the Uſes appointed by the Patent, until the Reformation, or the alteration of Divine Service in this Kingdom; and ſince that, they have diſpoſed of all the ſame to Pious Uſes, now allowable by Law; ſuch as Repairing the ſaid Church, Relieving Chriſtian Slaves from *Algiers*, and parts of the Turkiſh Dominion, Redeeming poor Widows, Orphans, and Decripit perſons; and have for ſome time paſt, allowed Forty pounds a year to the Blew Coat Hoſpital, in *Oxman Town*, *Dublin*; and ſince the alteration of the Liturgy, they allowed to the Prebend of St. *Audoen's*, Ten pounds a year thereout, tho' all the Revenue of the Guild doth now ſcarcely amount to One hundred Marks *per Annum*, and ſay they did not convert any of the ſame Revenue to their own private Uſes, as is ſuggeſted againſt them.

That ſuch Poſſeſſion and Enjoyment did not altogether paſs in ſilence, and without notice being taken thereof; for in the Reign of King *James* the Firſt, on ſome untrue Suggeſtions, a *Quo-warranto* iſſued againſt the ſaid Guild, and on their Plea, and making appear how they had Employed the ſaid Rents, Judgment was given for them againſt the King.

Alſo the ſaid Tenements being Seized and Sequeſtered on account of the Rebellion in 1641, ſome of them were Sett, Diſpoſed of, and paſt in Patent as part of the 49 Security, but in all ſuch Caſes the Fee-Farm Rent, payable to the ſaid Guild, was Preſerved and Reſerved to them: And in the Veſting Clauſes of the Acts of Settlement and Explanation, the Right of the Lands and Tenements belonging to any Guild, Corporation, Fraternity, Eccleſiaſtical or Lay, are Excepted, and the Fee-Farm Rent of the ſame Lands and Tenements, were Claimed by the then Maſter, Wardens and Fraternity of the ſaid Guild, in the Court for Adjudication of the Claims of Proteſtants in this Kingdom, in the year 1658, in the Uſurpers time, and therein had an Allowance and an Adjudication of the ſame, which afterwards was Confirmed. And in the year 1637, and 1638, in the Lord *Strafford's* Government, ſeveral proceedings were in the Council-Chamber concerning the ſaid Guild; and yet in none of the Parliaments that have been in this Kingdom hitherto, was any Endeavours uſed, to Veſt the Premiſſes in the Crown by Act of Parliament.

But now its propoſed, that an Act be Prepared and Tranſmitted to that purpoſe, it being alledged; Firſt, That the Chantries at the Diſſolution of Abbies, were through Over-ſight or Concealment not ſo Veſted. Secondly, Or they were not ſo Veſted, becauſe it was ſuppoſed they were deſigned towards the Maintenance of the Incumbents. And Thirdly, That the ſame may be ſo Veſted, becauſe that in the ſaid Lord *Strafford's* Government, the ſaid Feeoffees Surrendered their Intreſt and took Leaſes for Years, which now are almoſt Expired.

Anſwer, It appears by all the proceedings, that Over-ſight or Concealment could not be the cauſe of ſuch Omiſſion, but rather that the ſame were never intended ſo to be Veſted, and the ſaid Fee-Farm Rent belonged to the ſaid Corporation, and though it was mentioned to Support a Chantry; yet that is not the only end, 'tis to other Pious Uſes. And ſo it is alſo ſaid in a Report to an Order of Reference from the Council-Board, in the Lord *Strafford's* time, in theſe words (*viz.*) *We have not Tyed our ſelves to the Six Prieſts, in reſpect the Intention of the Founders was not ſimply for their Maintenance, but alſo* ad alia pietatis opera.

The Suppoſition that the deſign was the Premiſſes ſhould go to the Maintenance of the Incumbent is contrary to the Fact; for ever ſince the Reformation took place here, the ſeveral Prebends of the ſaid Church, Predeceſſors of Mr. *Finglas*, the now Prebendary thereof, who now ſets this Matter on foot, had but Ten pounds a Year thereout, and that too by the Allowance and Permiſſion of the ſaid Guild, on Application to them by Petition made by the

the ſame Prebends: And he himſelf had the ſame Allowed to him by Petition, and no more, for ſeveral years, and acquieſſed therein. He formed a Deſign to get all the Revenue to himſelf, and he on that account, putting the ſaid Guild to great Trouble and Charge at Law; making them for ſeveral years expend all the ſaid Revenue in a tedious Suit, Commenced by him in the High Court of Chancery; wherein, finding the matter would go againſt him, he at laſt let fall the Suit, and they refuſed to let him have the Ten Pounds a Year any longer, and he and the Succeeding Prebends have leſs reaſon to have the ſame, ſince ample Proviſion is made by the Act of Parliament for the Miniſters of the City of *Dublin*. And the ſame Mr. *Finglas*, notwithſtanding all his Pretences for deſtroying the ſaid Guild, did offer to the Maſter of the ſaid Guild to acquieſs, and ſtir no further inthis matter if they would give him out of the ſaid Revenue Forty Pounds a Year, and pay the Arrears of the ſaid Ten Pounds a Year, as may appear by a Letter under his own hand; ſo that the Revenue is and was the thing he aimed at.

As to the Surrender in the Lord *Strafford*'s time, the Anſwer is, That ſome of them did ſo Surrender, and ſome did not, but held out and Suffered for it; And thoſe who did ſo Surrender did it by Compulſion. And what the Lord *Strafford* did therein being Arbitrary and Illegal, the ſame Feoffees who ſo Surrendred kept in and Claimed the Benefit of the ſame Feoffments, as ſoon as their fear of him was over; conceiving that ſuch Enforced Surrender did neither deſtroy their Eſtate, nor ought it to be any prejudice to their Right; An Eſtate in Fee being ſuch an Eſtate as cannot be Surrended.

If the propoſed Act veſt any thing in the Crown belonging to the ſaid Guild, it ought, as is humbly conceived, to be only the ſaid Rents, and not the Lands and Tenements, to the prejudice of thoſe deriving under the Feeoffees: For they being held ſo long under the Guild, not only many have laid out all their Subſtance in Building and Improving thereon; but the ſame have been often transferred by Purchaſes for valuable Conſiderations, and have been Settled on Marriages, and for Marriage Portions, and the Maintenance and Support of many Widows and Orphans depend thereupon; and Childrens Portions are Payable thereout; and Creditors and others who have Incumbrances thereon are to be ſatisfied thereout: And ſurely its not intended to Deprive and Unſettle all theſe or turn the Poſſeſſors out after an Enjoyment under a Title of about 270 Years ſtanding; and under a Right ſaved by two Acts of Parliament, and not taken away by any; but on the contrary Confirmed; and alſo by the ſaid Proceeding in the ſaid *Quo warranto*, and even in the Popiſh Reign of Queen *Mary*, who was ſo Zealous to Reſtore what had been taken in the Diſſolution of Monaſteries, and who came to the Crown within a few Years after ſuch Diſſolution; She Reſtored what was in her own poſſeſſion: But all Grantees, Purchaſers, *&c.* Enjoyed the ſame, and no Act could be paſſed for taking them away.

But this Guild being the chief thing of that nature in this City, for Publick, Charitable, and Pious Uſes, moſt of the ſaid Fraternity being now Proteſtants, and the Revenue thereof being employed for the Uſes aforeſaid; And if his Excellency, and the Honourable the Privy Counſel, do think that the ſame Revenue may be employed to better, and more convenient Pious and Charitable Uſes, than thoſe before mentioned, the ſaid Guild are willing to receive their direction therein; and will Apply and Diſpoſe the ſame Revenue according to ſuch Direction for the future. They conceive there is no Neceſſity for Troubling any Parliament concerning the ſame, and therefore pray, that even the ſaid Revenue may not be Veſted in the Crown; which by Conſequence would be the Diſtruction and Diſſolution of the ſaid Corporation, without any Default of theirs as they know of, and pray that no ſuch Act as is preparing may be tranſmitted.

FINIS.

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